

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SMITH KLINE & FRENCH)	
LABORATORIES LIMITED and)	
SMITHKLINE BEECHAM)	
CORPORATION d/b/a)	
GLAXOSMITHKLINE,)	
)	
Plaintiffs,)	Civil Action No. 05-197-GMS
v.)	
)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Defendant.)	

STIPULATION AND PROPOSED ORDER
REGARDING REVISED POST-TRIAL BRIEFING SCHEDULE

WHEREAS the Court's January 17, 2007 Order set a post-trial briefing schedule as follows: opening briefs due on January 31, 2007,¹ answering briefs due on February 28, 2007 and reply briefs due on March 14, 2007,

WHEREAS defendant Teva Pharmaceuticals USA, Inc. ("Teva") respectfully requests and seeks to extend the post-trial briefing schedule deadlines by one week in order to accommodate a scheduling conflict that has arisen as a result of Teva's lead counsel being presently in trial in another matter, and

WHEREAS plaintiffs Smith Kline & French Laboratories Limited and SmithKline Beecham Corporation d/b/a GlaxoSmithKline ("GSK") do not oppose Teva's request for a one week extension of the post-trial briefing schedule,

¹ In addition to the opening briefs due on January 31, 2007, the parties were also supposed to submit all exhibits and deposition designations, as well as proposed findings of fact and conclusions of law (regarding validity issues by GSK and inequitable conduct issues by Teva) by that same date.

NOW, THEREFORE, the parties have conferred and respectfully stipulate to, subject to the Order of the Court, the following revised joint proposed post-trial briefing schedule:

<u>PROPOSED NEW DATE</u>	<u>ORIGINAL DATE</u>	<u>EVENT</u>
February 7, 2007	January 31, 2007	Parties will file admitted trial exhibit list, hard copy set of exhibits, and their deposition designations in video and hard copy form. GSK will file proposed findings of fact and conclusions of law regarding Teva's claim that the claim 3 of the '860 patent is obvious and/or anticipated, and Teva will file opening papers, including proposed findings of fact and conclusions of law, regarding its claim that the '860 patent is unenforceable for inequitable conduct.
March 7, 2007	February 28, 2007	Teva will file a response to GSK's proposed findings of fact and conclusions of law regarding obviousness and anticipation, and GSK will file a response to Teva's opening papers regarding inequitable conduct.
March 21, 2007	March 14, 2007	GSK will file a reply regarding obviousness and anticipation, and Teva will file a reply regarding inequitable conduct.

As previously set forth in the parties' January 17, 2007 stipulation, the parties further stipulate that all objections regarding deposition designations that the parties wish the Court to rule upon be addressed in post-trial briefing.

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SO ORDERED this ____ day of January, 2007.

United States District Judge